

Draft
**NOTICE OF PUBLIC HEARING
TO CONSIDER ADMINISTRATIVE CIVIL LIABILITY COMPLAINT**

NO. R9-2008-0033
ISSUED TO

Ametek Inc.
Former Ametek/Ketema Aerospace Manufacturing Facility
790 Greenfield Drive, El Cajon, California

San Diego County

NOTICE IS HEREBY GIVEN THAT A HEARING WILL BE HELD
BEFORE THE REGIONAL BOARD ON **December 10, 2008**

Background

The Surface Waters Branch Chief has issued an Administrative Civil Liability (ACL) Complaint pursuant to California Water Code section 13323 (CWC) against Ametek Inc. (Discharger) alleging that it has violated Cleanup and Abatement Order (CAO) No. R9-2002-201 by failing to report as required under Directive No. 1 by properly complying with Directive 1e. Ametek failed to install and collect ground-water samples in accordance with Directive 1e and failed to submit a complete Delineation Report as required by Directive No. 1 of CAO R9-2002-201. Ametek further failed to submit a complete Feasibility Study Report as required by Directive No. 3 of CAO R9-2002-201.

The ACL Complaint proposes that administrative civil liability in the amount of two million two hundred sixty-nine thousand dollars (\$2,269,000) be imposed as authorized by CWC section(s) 13350(e). Unless the Discharger waives its right to a hearing and pays the proposed liability, a hearing will be held before the Regional Water Quality Control Board San Diego Region (Regional Board) during its meeting of December 10, 2008, in San Diego.

Purpose of Hearing

The purpose of the hearing is to receive relevant evidence and testimony regarding the proposed ACL Complaint. At the hearing, the Regional Board will consider whether to adopt the proposed assessment, modify it or reject it. If it adopts an assessment the Regional Board will issue an Administrative Civil Liability Order.

The public hearing on December 10, 2008, will commence as announced in our Regional Board meeting agenda. The meeting will be held at the Regional Board Office at 9174 Sky Park Court, Suite 100, in San Diego. An agenda for the

meeting will be issued at least ten days before the meeting and will be posted on the Regional Board's web page at: www.waterboards.ca.gov/sandiego.

Hearing Procedures

A copy of the procedures governing an adjudicatory hearing before the Regional Board may be found at Title 23 of the California Code of Regulations (CCR), §648 et seq., and is available at http://www.waterboards.ca.gov/laws_regulations or upon request. Except as provided in Title 23 CCR, § 648(b), Chapter 5 of the Administrative Procedures Act (commencing with § 11500 of the Government Code) does not apply to adjudicatory hearings before the Regional Board. This Notice provides additional requirements and deadlines related to the proceeding. THIS NOTICE MAY BE AMENDED BY THE ADVISORY STAFF AS NECESSARY. FAILURE TO COMPLY WITH THE DEADLINES AND REQUIREMENTS CONTAINED HEREIN MAY RESULT IN THE EXCLUSION OF DOCUMENTS AND/OR TESTIMONY.

Hearing Participation

Participants in this proceeding are designated as either "parties" or "interested persons." Designated parties to the hearing may present evidence and cross-examine witnesses and are subject to cross-examination. Interested persons may present non-evidentiary policy statements, but may not cross-examine witnesses and are not subject to cross-examination. Both designated parties and interested persons may be asked to respond to clarifying questions from the Regional Board, staff or others, at the discretion of the Regional Board.

The following participants are hereby designated as parties in this proceeding:

- (1) San Diego Regional Water Board Prosecution Staff
- (2) Ametek Inc., referred to as the Discharger

Contacts

Advisory Staff:

Catherine George Hagan, Esq.
Senior Staff Counsel
Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100, Office 1
San Diego, CA 92123-4353

Advisory Staff Continued:

John Robertus
Executive Officer
Regional Water Quality Control Board, San Diego Region
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Michael McCann
Assistant Executive Officer
Regional Water Quality Control Board, San Diego Region
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Prosecution Staff:

Jorge Leon
Senior Staff Counsel
State Water Resources Control Board
Office of Enforcement
P.O. Box 100
Sacramento, CA 95812

David Barker
Supervising Water Resource Control Engineering
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Regional Water Quality Control Board, San Diego Region
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John Anderson
Senior Engineering Geologist
South San Diego County Groundwater Unit
Regional Water Quality Control Board, San Diego Region
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Laurie Walsh
Water Resource Control Engineer
Central Watershed Unit
Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4353

Discharger:

Tom Deeney
Director of Corporate Compliance
Ametek Inc.
37 North Valley Road, Bldg 4
Paoli, Pennsylvania 19301-0801

Separation of Functions

To help ensure the fairness and impartiality of this proceeding, the functions of those who will act in a prosecutorial role by presenting evidence for consideration by the Regional Board (Prosecution Staff) have been separated from those who will provide advice to the Regional Board (Advisory Staff). Members of the Advisory Staff are: Catherine George Hagan, Esq. San Diego Regional Board Attorney, John Robertus San Diego Regional Board Executive Officer, and Michael McCann San Diego Regional Board Assistant Executive Officer. Members of the Prosecution Staff are: Jorge Leon – Senior Staff Council State Water Board Office of Enforcement, David Barker – Supervising Water Resource Control Engineer, John Anderson – Senior Engineering Geologist, and Laurie Walsh - Water Resource Control Engineer. **Unless the Discharger objects to and/or comments on this notice to Advisory Staff Member Catherine George Hagan by October 17, 2008, or the Advisory Staff issues an alternative Notice of Hearing, the procedures set forth herein will govern the December 10, 2008 ACL Complaint Hearing.**

Ex Parte Communications

The designated parties and interested persons are forbidden from engaging in *ex parte* communications regarding this matter with members of the Advisory Staff or members of the Regional Board. An *ex parte* contact is any written or verbal communication pertaining to the investigation, preparation or prosecution of the ACL Complaint between a member of a designated party or interested party on the one hand, and a Regional Board member or an Advisory Staff member on the other hand, unless the communication is copied to all other designated and interested parties or made at a proceeding open to all other parties and interested persons (if verbal). Communications regarding non-controversial procedural matters are not *ex parte* contacts and are not restricted. Communications among the designated and interested parties themselves are not *ex parte* contacts.

Requesting Designated Party Status

Persons who wish to participate in the hearing as a designated party shall request party status by submitting a request in writing (with copies to the designated parties) no later than 5 p.m. on **October 28, 2008**, to Catherine George Hagan, Senior Staff Counsel, at the address set forth above. The request shall include an explanation of the basis for status as a designated party

(e.g., how the issues to be addressed in the hearing and the potential actions by the Regional Board affect the person), the information required of designated parties as provided below, and a statement explaining why the party or parties designated above do not adequately represent the person's interest. Any opposition to the request must be submitted by 5 p.m. on **November 6, 2008**. The parties will be notified by 5 p.m. on **November 12, 2008**, as to whether the request has been granted or denied.

Hearing Time limits

To ensure that all participants have an opportunity to participate in the hearing, the following time limits shall apply: each designated party shall have 60 minutes to testify, present evidence, and cross-examine witnesses, and each interested person shall have 3 minutes to present a non-evidentiary policy statement. Participants with similar interests or comments are requested to make joint presentations, and participants are requested to avoid redundant comments. Additional time may be provided at the discretion of the hearing officer upon a showing that additional time is necessary.

Written Evidence, Testimony, Exhibits and Policy Statements

Designated parties shall submit in writing 20 copies of the following information to Catherine George Hagan, Esq. San Diego Regional Board Attorney no later than 5 p.m. on **November 17, 2008**.

1. All evidence, testimony (except rebuttal testimony) and exhibits proposed to be offered at the hearing.
2. All legal and technical arguments or analysis.
3. The name of each witness, if any, whom the designated party intends to call at the hearing, the subject of each witness' proposed testimony, and the estimated time required by each witness to present direct testimony.
4. The qualifications of each expert witness, if any.

In addition to the foregoing, each designated party shall send (1) one copy of the above written materials to each of the other designated parties at the address or addresses provided above by 5 p.m. on **November 17, 2008**.

Interested persons may submit one (1) copy of non-evidentiary policy statements by the close of the hearing.

In accordance with Title 23, CCR, section 684.4, the Regional Board endeavors to avoid surprise testimony or evidence. Accordingly, oral testimony offered at the hearing that is beyond the scope of the previously submitted written testimony may be excluded. Power Point and other computer assisted visual

presentations may, but are not required, to be submitted prior to the hearing as long as the contents do not exceed the scope of other submitted written material. Any witness providing written testimony shall appear at the hearing and affirm that the written testimony is true and correct.

Request for Pre-hearing Conference

A designated party may request that a pre-hearing conference be held before the hearing. Requests must contain a description of the issues proposed to be discussed during that conference and must be submitted to the Advisory Staff with copy to all other designated parties by 5 p.m. on **November 24, 2008**.

Evidentiary Objections

A party objecting to evidence or testimony proposed by another party must submit a written objection by 5 p.m. on **November 24, 2008** to the Advisory Staff with copy to all other designated parties. The Advisory Staff will notify the parties about further action to be taken on such objections. Such a conference may or may not be scheduled at the discretion of the Advisory Staff.

Evidentiary Documents and File

The Complaint, related evidentiary documents and comments received are on file and may be inspected or copied at the Regional Board office at 9174 Sky Park Court, San Diego California 92123. Many of these documents are also posted on-line at <http://www.waterboards.ca.gov/>. Although the web page is updated regularly, to assure access to the latest information, you may contact Laurie Walsh at (858) 467-2970 or lwalsh@waterboards.ca.gov.

Questions

Questions concerning this proceeding may be addressed to Catherine George Hagan, Senior Staff Counsel, Regional Water Quality Control Board, San Diego Region, 9174 Sky Park Court, Suite 100, San Diego, CA 92123-4353.

IMPORTANT DEADLINES

October 7, 2008	ACL Complaint issued to Discharger and Prosecution Team Sends draft Hearing Notice to Discharger and Advisory Team.
October 17, 2008	Comments due on draft Hearing Notice
October 22, 2008	Advisory Team issues Hearing Notice
October 28, 2008	Deadline for submission of request for designated party status.
November 6, 2008	Deadline for opposition to request for designated party status.
November 12, 2008	Decision issues on request for designated party status, if any.
November 17, 2008	Deadline for submission of evidence, testimony and witness lists.
November 24, 2008	Deadline for submission of evidentiary objections.
November 24, 2008	Deadline for submission of request for pre-hearing conference.
December 1, 2008	Decision issues on request for pre-hearing conference.
December 5, 2008	Rulings on evidentiary objections, if any.
December 10, 2008	Regional Board Hearing Date

DRAFT

Executive Officer

(Date)